

**REGULAR MEETING
of the
CITY OF RIALTO
CITY COUNCIL
City of Rialto, acting as Successor Agency to the
Redevelopment Agency
RIALTO HOUSING AUTHORITY**

**MINUTES
July 28, 2015**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, July 28, 2015.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 5:02 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Baca Jr., Council Members Ed Palmer, Ed Scott, and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and City Clerk Barbara McGee.

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CLOSED SESSION

1. Conference with Legal Counsel – Existing Litigation: The city council will discuss the following pending litigation (s) pursuant to Government Code Section 54956.9 (d)(1):

a. City of Colton V. American Promotional Events, Inc. et. al.

CD Cal Case No. ED CV 09-01864 PSG (SSx) and consolidated cases.

b. Sergio Maldonado v. City of Rialto, et al

S.B. Superior Court Case No. CIVDS1213121

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CLOSED SESSION

c. San Bernardino Valley Municipal Water District v. San Gabriel Valley Water d.b.a. Fontana Water Company, et al

S.B. Superior Court Case No. CIVDS1311085

d. Gary Chaffee v. City of Rialto

U.S. District Court, Central District, Case No. CV00264-JGB-DTB

2. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation pursuant to paragraph (2) of Subdivision (d) of Government Code Section 54956.9. Number of cases: One case.

Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to go into Closed Session at 5:03 pm. All of City Council returned at 5:54pm.

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CALL TO ORDER

Mayor Robertson called the meeting to order at 6:10 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Joe Baca Jr., Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante.

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Pledge of Allegiance and Invocation

Council Member Ed Scott led the pledge of allegiance and Pastor Elias Valdez, Lost and Found Ministries gave the Invocation.

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City Attorney's Report on Closed Session

City Attorney Galante stated that City Council met in Closed Session and discussed the one item listed under Closed Session on the Agenda.

- 1a. Existing Litigation, City of Colton V. American Promotional Events, Inc. et. al. City Council was briefed on the status and no further reportable action was taken.
- 1b. Existing Litigation, Maldonado v. City of Rialto. City Council received an update and no reportable action was taken.
- 1c. Existing Litigation, San Bernardino Valley Municipal Water District v. San Gabriel Valley Water and related parties. City Council received an update and no reportable action was taken.
- 1d. Gary Chaffee v. City of Rialto. City Council received an update and no reportable action was taken.
2. An item of Anticipated Litigation. City Council was presented with the threat of Litigation against the City, provided direction and no further reportable action was taken.

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PRESENTATIONS AND PROCLAMATIONS

1. Proclamation - Parks and Recreation Month - Recreation Commission Chairman Joe Britt/Mayor Deborah Robertson

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ORAL COMMUNICATIONS

June Hayes, expressed her concern again that people are being charged a ready-to-serve fee for water. She requested more of a push regarding this issue.

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Neal Brown, expressed his concern regarding stop lights that go out.

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Sol Guerra, Representative for Congresswoman Norma Torres, announced some upcoming events in the District.

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CONSENT CALENDAR

A. WAIVE FULL READING OF ORDINANCES

1. Waive reading in full, all ordinances considered at this meeting.

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B. APPROVAL OF WARRANT RESOLUTIONS

B.1 Resolution No. 02 (07/17/15)

B.2 Resolution No. 03 (07/24/15)

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CONSENT CALENDAR

C. APPROVAL OF MINUTES

- C.1 [15-537](#) Regular City Council Meeting - July 14, 2015

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D. SETTING OF PUBLIC HEARINGS

- D.1 [15-524](#) Request Council to Set a Public Hearing for **August 11, 2015** for Consideration of an Addendum to the Renaissance Specific Plan Environmental Impact Report (EIR) (***Environmental Assessment Review No. 15-25***); ***Amendment No. 4 To The Renaissance Specific Plan*** to change the zoning of a 1.3 acre site from Utilities/Public Facilities to Employment Zone; ***Variance No. 710*** to vary from the setback requirement for lots in the Employment Zone; ***Tentative Parcel Map No. 19649*** to consolidate twenty-three (23) parcels of land and create one (1) parcel of land; ***Lot Line Adjustment No. 224*** to adjust the property lines between contiguous parcels and create a 0.55 acre parcel for the proposed church; ***Conditional Development Permit No. 773*** to locate a church sanctuary in the employment zone; ***Precise Plan Of Design No's. 2399 & 2400*** to construct an approximately 2,264 square foot church and a 742,514 square foot warehouse; and ***Development Agreement No. 15-01***.

CONSENT CALENDAR

- D.2 15-528 Request City Council to Set a Public Hearing for August 11, 2015, to Consider Adoption of a Resolution of Necessity to Acquire Portions of APN# 0240-221 -15, 18, 21 and 28 from the Estate of Irma Dean Bowles for public right-of-way for the Walnut Avenue and Laurel Avenue Widening Project.
- D.3 15-529 Request City Council to Set a Public Hearing for August 11, 2015, to Consider Adoption of a Resolution of Necessity to Acquire Portions of APN# 0240-221 -16 from the Estate of Ida N. Henderson for public right-of-way for the Walnut Avenue and Laurel Avenue Widening Project.
- D.4 15-520 Request City Council to Set a Public Hearing for August 25, 2015, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 1st Quarter of the 2015 Calendar Year.

E. MISCELANEOUS

- E.1 15-539 Request City Council to Approve a Training Request for Officer Dane W. Stordahl to Attend the Basic Handlers Course at Adlerhorst International, Inc., August 3 - September 11, 2015.
- E.2 15-516 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for June 2015.
- E.3 15-519 Request City Council to Approve an Increase to the Annual Purchase Order with Community Animal Hospital to \$19,000 for FY2014/15.
- E.4 15-521 Request City Council to Approve the Travel and Training request for Mayor Deborah Robertson to attend the Southern California Transportation Coalition 2015 Mobility 21 Summit.
- E.5 15-534 Request City Council to Approve Travel and Training request for City Clerk Barbara McGee to attend the 2015 League of California Cities Annual Conference and Expo, September 30 - October 2, 2015.
- E.6 15-522 Request City Council to Approve the Issuance of a Purchase Order to Keystone Management, Inc. for Fire Alarm Systems Monitoring and Repair Services by their subsidiaries, Tyco Fire & Building Products and ADT Security Services, in the Total Amount of \$35,000.
- E.7 15-517 Request City Council to Adopt Resolution No. 6786 Accepting the Plan for Services to annex Lytle Creek Ranch Specific Plan Neighborhoods 2 and 3 (Annexation No. 170) from unincorporated San Bernardino to West Valley Water District.
- E.8 15-545 Request City Council to Adopt Resolution No. 6787 Accepting Funding in the Amount of \$10,000 from the Kaiser Foundation Hospitals Community Benefit Grant for the Rialto Living the Golden Years: Senior Nutrition and Fitness Programs.

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CONSENT CALENDAR

City Administrator Story announced Items E.4 and E.5 Travel and Training requests for Mayor Deborah Robertson and City Clerk Barbara McGee on the Consent Calendar.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by a 4-1 vote to approve Consent Calendar item E.7. Council Member Palmer abstained from voting.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to approve the Consent Calendar with the exception of Item E.7.

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TAB 1 – Delinquent Wastewater Payments

George Harris, Administrative and Community Services Director presented the staff report regarding the Placement of Charges on the County Property Tax Roll for Delinquent Wastewater Payments.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to close the public hearing.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to approve Resolution No. 6788 Regarding the Placement of Charges on the County Property Tax Roll for Delinquent Wastewater Payments.

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TAB 2 – Purchase of 2 Fire Engines

Division Chief Sean Grayson presented the staff report regarding the purchase of two Type 1 (Structural) Fire Engines from Pierce Manufacturing Inc.

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Council Member O'Connell stated that he appreciates the savings of approximately \$310,000. Maybe this will open up the opportunity to buy additional equipment.

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Mayor Robertson thanked staff for the work and effort put in to accomplish the savings.

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TAB 2 – Purchase of 2 Fire Engines-

Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to authorize the purchase of two Type 1 (Structural) Fire Engines from Pierce Manufacturing Inc. in the amount of \$1,248,302.

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TAB 3 – Rescind the Warrant Approval Process

City Attorney Galante presented the staff report regarding proposed Ordinance to rescind the warrant approval process.

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Mayor Robertson stated that she is having a problem with deciding how to vote on this because of the time and energy they spent putting this in place when this was not something she felt they needed to do because it would in fact impact the small business community. They ended up making a lot of exceptions and now they are here 10 months later having to undo something that wasn't fully in agreement with. For the record, she was not one of the members of City Council who asked for this to be reversed.

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Council Member Scott agreed, however he thinks the system that is currently in place is very cumbersome, especially for small businesses doing business with the City and it's taking a large amount of time to get paid. He has experienced the situation where he went on a City trip and it took two months to pay his credit card bill and therefore he couldn't use the City credit card. While he agrees about the statements the Mayor made, it's in the best interest of the city and businesses that are dealing with the city to change it back to what it was. It never should have been brought to this in the beginning.

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Council Member O'Connell stated to clarify why this came forward was that they experienced a \$200,000 that went out that was not authorized. They implemented this in an attempt to prevent that kind of mistake from happening. It turns out, when this program went into effect, when smalls businesses tried to get paid it was an unintended consequence slowing the payment. He knows the Mayor stated that she didn't support it back then but he is one of the ones that did.

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Mayor Pro Tem Baca Jr. stated that he doesn't like playing ping pong with this issue. Hopefully, the Department Heads as they are paying some of these things out. They want to watch the taxpayers' dollars. The logic was to make sure they have some transparency and accountability but they also have to hold Department Heads accountable for some of their purchases. They should have just dealt with that one particular issue. He will support this tonight and hopes they are done addressing this issue.

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TAB 3 – Rescind the Warrant Approval Process

Council Member Palmer stated also the reason why they passed the Ordinance was not only the incident Council Member O’Connell mentioned but they had a discussion about most vendors get paid within 30 days. So if they submit an invoice, it will go to the department head and they will turn it in to put on the next Council meeting so it will be paid within the 30 day window period. The reality was as it went through the process it would be months before they were approved. It didn’t work as they planned it. He did support it but it didn’t work out as they thought it would.

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Mayor Robertson stated that she will support it and thinks it’s interesting that they can easily gloss over it now but part of all the steps they put in place was also a fact that vendor checks were processed and could not be released until the action came before City Council to act on. As they all recall the reasons and concerns they wanted to put in place, let’s be clear about it. Another thing she keeps hearing about a \$200,000 oversight but nonetheless the whole process they had in place and going back to is to rely on the Department Heads who they expect to do the day to day work and send to the City Administrator who City Council has given the authority to process and pay. They already have contractual arrangements with people who are expecting payment.

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City Attorney Galante read the title of the ordinance:

Ordinance No. 1561

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, AMENDING SECTION 3.20.010 OF THE RIALTO MUNICIPAL CODE TO RESCIND THE WARRANT APPROVAL PROCESS UNDER ORDINANCE NO. 1551 AND REINSTATE THE PRIOR WARRANT APPROVAL PROCESS

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by a 4-0-1 vote to Introduce by first reading of Ordinance No.1561, reading by title only and waiving further reading thereof. The vote was: AYES: Mayor Robertson, Mayor Pro Tem Baca Jr., and Council Members: Palmer and Scott. NOES: none. ABSTAIN: Council Member O’Connell ABSENT: none.

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TAB 4 – Revised Travel Expense Policy

City Attorney Galante presented the staff report regarding the revised Travel Expense Policy.

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TAB 4 – Revised Travel Expense Policy

Council Member Scott stated regarding Consent Calendar Item E.1 it seems like a standard training request for an employee. This seems to be a part of the Police Chief's budget to have these kinds of trainings so why is it coming to City Council? Do they lose valuable time for this individual because they are waiting for City Council to give an approval? When really the only person who should know to approve this is the Police Chief. He is wondering if certain items in certain departments should be pre-approved on an annual basis.

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City Administrator Story stated that the reason this one came forward was that it exceed the \$2000 department approval limit for travel. They do have those provisions for all the Department Heads up to that amount which is typical. This one was a unique K-9 training that was more.

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Police Chief Farrar stated that they did not lose any time with this one because it is local. This training doesn't occur very often but the overall expense exceeds the limit, this is why they brought it forward.

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Council Member Scott asked if the limit is an adequate amount or should it be elevated.

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Police Chief Farrar stated the limit is ok, because typically they wouldn't exceed that amount on any type of regular training. This one, because of the length of the training and type of training it ended up costing more.

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City Attorney Galante stated the policy now states that in-state travel does cost in excess of \$2500 and out-of-state travel costs in excess of \$3000 would require prior City Council approval.

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Mayor Robertson stated that was her question, should they be listing all the department heads travels especially the ones they know are reoccurring.

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Council Member O'Connell stated when he first started, they had a 2 day event where an elected official went for 6 days with a staff member. There were travels within 3 times in one month. At the time they only needed to tell the City Administrator where they wanted to go. So he started looking at the travel policy which was obsolete and not effective so they changed it. It took a lot of effort to get it changed. This is the third time they changed it. All he wanted was something they can be transparent to the public.

TAB 4 – Revised Travel Expense Policy

Council Member O'Connell stated over time it has changed. This last time they pre-approved certain classes so now they don't have to keep coming back here and ask City Administrator to read Section E. Most of the travel will be pre-approved at the beginning of the year. This a flexible document that was updated and to make all elected officials answerable to the public. He appreciates Council Member Scott's help on getting it to this point because it's transparent and readily accessible. There shouldn't be any more updates.

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Mayor Robertson stated her question regarding drafting of the policy, she looks at the list and recognizes that these are things they had already identified as reoccurring. Realizing that just one of the Regional Boards is now starting to have their own events, one day travel. How do they make those adjustments of new things coming in?

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Council Member Scott stated that they intended to do this on an annual basis. Perhaps at the beginning of the fiscal year so if there is another event it would be added to the list.

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City Administrator Story stated that is correct to bring it back annually either part of the budget when they adopt it.

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Motion by Council Member O'Connell, second by Council Member Scott and carried by unanimous vote to Adopt Resolution No. 6789 Approving the Revised Travel Expense Policy.

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TAB 5 – CDBG Consulting Services

George Harris, Administrative and Community Services Director presented the staff report regarding Community Development Block Grant Administration Consulting Services Contract to LDM Associates.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Award Community Development Block Grant Administration Consulting Services Contract to LDM Associates in an amount not to exceed \$115,000.

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TAB 6 – Ad Hoc Subcommittee for the Renaissance Rialto Project

This item was removed from the Agenda.

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**TAB 7 – Purchase and Sale
Agreements with LaBarge
Industries**

Council Member Palmer expressed a conflict of interest with this item.
He left the dais at 7:10 p.m.

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Robb Steel, Development Services Director presented the staff report regarding the Assignment of Purchase and Sale Agreements by and between LaBarge Industries and the Rialto Housing Authority related to the purchase of two parcels.

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Motion by Council Member Scott, second by Council Member O'Connell and carried by a 4-0 vote to approve an Assignment of Purchase and Sale Agreements by and between LaBarge Industries and the Rialto Housing Authority related to the purchase of two parcels known as of Assessor's Parcel Numbers 0131-021-33 and 0131-021-40 for total purchase amount of \$910,000. Council Member Palmer was absent.

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Council Member Palmer returned to the dais at 7:15 p.m.

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**TAB 8 – Agreement for Abatement
Services**

Robb Steel, Development Services Director presented the staff report regarding Abatement Services related to Code Enforcement Actions.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to approve increasing Purchase Order 2015-0752 by \$48,864 to an amount of \$78,864 and extend the term of the Agreement with Brett Carlson Construction for Abatement Services related to Code Enforcement Actions.

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**TAB 9 - Fire Station 201 Remodel,
City Project No. 140201**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Fire Station 201 Remodel City Project No. 140201.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to (1) Adopt Budget Resolution No. 6790 Amending the 2015-2016 Fiscal Budget Appropriating \$25,000 from General Fund Account for the Fire Station 201 Remodel, City Project No. 140201; (2) Award a Construction Contract to R Dependable Construction, Inc., a California corporation, in the amount of \$323,000.00 for the Fire Station 201 Remodel City Project No. 140201; (3) Authorize a Purchase Order with Willdan Engineering in the Amount of \$12,160 for Construction Administration and Support Services for the Fire Station 201 Remodel, City Project No. 140201; (4) Delegate Authority to the City Administrator to Approve and Execute Construction Contract Change Orders up to a Cumulative Amount of \$32,000.

**TAB 10 – Willdan Financial
Services for 1972 Act and Mello-
Roos Act Administration Services**

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Robert Eisenbeisz, Public Works Director presented the staff report regarding Willdan Financial Services for 1972 Act and Mello-Roos Act Administration Services.

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Mayor Pro Tem Baca Jr. left the dais at 7:20 p.m.

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Motion by Council Member Palmer, second by Council Member Scott and carried by a 4-0 vote to authorize the Issuance of a Purchase Order in the amount of \$66,570 for the 2015/2016 Fiscal Year with Willdan Financial Services for 1972 Act and Mello-Roos Act Administration Services. Mayor Pro Tem Baca Jr. was absent.

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Mayor Pro Tem Baca Jr. returned to the dais at 7:23 p.m.

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**TAB 11 - Rialto Water
Conservation Rebate Program**

Robert Eisenbeisz, Public Works Director presented the staff report regarding City of Rialto Water Conservation Rebate Program.

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Amy Crow, Public Works Dept. provided an overview of the program.

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Council Member Scott stated that this is a huge improvement from the last meeting when they had so many questions. He commended staff for doing a great job.

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Mayor Pro Tem Baca Jr. stated that this is a great Conservation Program. Where do the non-profits and/or churches fall under? Do they qualify?

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Amy Crow stated yes they would qualify under institutional.

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Council Member Palmer asked about the turf removal program. What if they want to remove the turf and put in cement? It indicates they have to put in some type of landscaping.

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TAB 11 - Rialto Water Conservation Rebate Program

Amy Crow stated part of the reason they require the pre-imposed inspection so she can meet with the resident and explain some of the do's and don'ts. One of the things not accepted is concrete. They are allowed to do pavers as long as the pavers don't touch closely enough to prevent water from soaking back into the soil. They want to have a permeable surface to allow percolation.

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Mr. Eisenbeisz stated that there is one exception, there is permeable concrete out there. That would be the exception. They don't want to increase the runoff.

This mirrors what West Valley is doing, the City is a little more ahead of them on the commercial, industrial, and institutional. They are planning to adopt what the City has so they are matching.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to approve the City of Rialto Water Conservation Rebate Program.

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TAB 12 – Agreement related to Alder Avenue Widening Project

Robb Steel, Development Services Director presented the staff report regarding the Possession and Use Agreement by and between the City of Rialto and Rosemead Properties related to the Alder Avenue Widening Project.

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Motion by Council Member Palmer, Council Member Scott and carried by unanimous vote to approve a Possession and Use Agreement by and between the City of Rialto and Rosemead Properties in the amount of \$521,500 related to the Alder Avenue Widening Project.

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TAB 13 - Walnut Avenue and Laurel Avenue Roadway Widening Project

Robb Steel, Development Services Director presented the staff report regarding Possession and Use Agreement by and between the City of Rialto and Rosemead Properties related to the Walnut Avenue and Laurel Avenue Roadway Widening Project.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to approve a Possession and Use Agreement by and between the City of Rialto and Rosemead Properties in the amount of \$63,700 related to the Walnut Avenue and Laurel Avenue Roadway Widening Project.

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REPORTS

City Council gave their reports.

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ADJOURNMENT

Motion by Mayor Pro Tem Baca Jr., second by Council Member Palmer and carried by unanimous vote to adjourn the City Council meeting at 8:01 p.m. in memory of:

The five victims of the Chattanooga, Tennessee

Recruitment Office Shooting

Gunnery Sgt. Thomas J. Sullivan

Staff Sgt. David A. Wyatt of Burke

Sgt. Carson A. Holmquist

Lance Cpl. Squire K. Wells

Navy Petty Officer Randall Smith

Dan Callahan, Rialto Resident

Veteran and Member of American Legion

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